

PROSPECTUS—Company—Misrepresentation—Agent—Liability of Directors—Rescission of contract to purchase shares—Delay 508
See COMPANY, 2.

RAILWAY—Mortgage—Working expenditure—Lien—Priorities—Dominion Railway Acts, 1888 and 1903.] The Railway Act, 1888 (D), after providing that a railway may secure its debentures by a mortgage upon the whole of such property, assets, rents and revenues of the company as are described in the mortgage, provides that such rents and revenues shall be subject in the first instance * * * to the payment of the working expenditure of the railway. By the Railway Act, 1903 (D.), the lien is enlarged to apply to the property and assets of the company, in addition to its rents and revenues. A mortgage by the defendants, made in 1897, was foreclosed and the property sold, the proceeds being paid into Court. In a claim for a lien thereon in priority to the mortgagee for working expenditure made after the commencement of the Act of 1903:—*Held*, that the lien under the Act of 1903 was not retroactive, and that as the lien under the Act of 1888 was limited to rents and revenues, and did not apply to the fund in Court, the claim should be disallowed. *BARNHILL v. THE HAMPTON AND SAINT MARTINS RAILWAY COMPANY* 371

REFEREE IN EQUITY—Deed—Proof of decree.] A deed of a Referee in Equity, though purporting to have been made under a decree of the Court, is not admissible in evidence without proof of the decree. *LOGGIE v. MONTGOMERY* 238

2.—*Finding of.*] The finding of a Referee upon questions of fact depending upon the evidence taken *vice versa* before him will not be disregarded except in case of manifest error. *THIRIDEAU v. LEBLANC* 436

REGISTRY LAWS—Crown land—Squatter—Grant—Purchaser for value—Priorities—Notice—Registry Act, 57 Viet., c. 20, s. 69; C. S. 1903, c. 151, s. 66—Instrument improperly on registry.] A squatter upon Crown land, which he had partly cleared, and upon which he had built a house, gave a

REGISTRY LAWS—Continued.

registered mortgage of it in 1874 for value, and in 1881 conveyed the equity of redemption by registered deed to the mortgagee, remaining in occupation of the land as tenant. In 1898 a son of the squatter, having no knowledge of the mortgage or deed, or that his father occupied the land as tenant, obtained a grant of the land from the Crown:—*Held*, that he should not be declared a trustee of the land for the purchaser from the father. *See* *Senble*, that s. 69 of the Registry Act, 57 Viet., c. 20 (C. S. 1903, c. 151, s. 66), by which it is provided that "the registration of any instrument under this Act shall constitute notice of the instrument to all persons claiming any interest in the lands subsequent to such registration," does not apply to an instrument not properly on the registry, such as a conveyance of Crown land by a squatter. *ROBIN, COLLAS AND COMPANY, LIMITED v. THERIAULT* 14

—Priorities—Equitable mortgage—Mining leases—Judgment creditor—Sheriff's sale—Purchaser—Notice—General Mining Act, C. S. 1903, c. 30 28
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RIVER—Riparian owners—Water rights—Pollution of water—Proof of damage—Act of Legislature.] The pollution of a river by a riparian owner will be enjoined at the instance of a riparian owner lower down without proof of actual damage. Generally speaking, one not a riparian owner is not entitled to complain of the pollution of the river, and a grant or license from a riparian owner to use the water does not entitle the grantee or licensee to complain of its pollution by another riparian owner. Where plaintiff was authorized by Act to take a specified quantity of water per day from a lake for, among other purposes, the domes-